

Firm ID: 42907

3006465-MJM

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF  
ILLINOIS EASTERN DIVISION

OLGA MARQUEZ and  
EDUARDO MARQUEZ,

Plaintiff,

vs.

TARGET CORPORATION,

Defendant.

No.: 08 C 990

FILED

FEB 19 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

NOTICE OF FILING

TO: Jeffrey A. Schulkin  
Munday & Nathan  
33 North Dearborn St., Suite 2220  
Chicago, IL 60602

Please take notice that on February 19, 2008, we filed with the United States District Court, Northern District of Illinois, Eastern Division, Defendant's Memorandum of Law in Support of Defendant's, Target Corporation, Notice of Removal to Federal Court, copies of which are served on you.

By: s/Michael J. McGowan  
Michael J. McGowan  
Attorney for Defendant

SmithAmundsen LLC  
150 North Michigan Avenue  
Suite 3300  
Chicago, Illinois 60601  
(312) 894-3200  
Firm No. 42907

PROOF OF SERVICE

The undersigned, a non-attorney, certify that I served this document by mailing a copy to the above-named attorney(s) at the above address(es) as listed above and depositing the same in the United States Mail located at 150 North Michigan Avenue, Chicago, Illinois 60601, prior to 5:00 p.m. on February 19, 2008, with proper postage prepaid. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the preceding sentence is true and correct.

Bob Colorado

ARDC No. 6199089

3006465-MJM/WSH

2008 FEB 19  
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF  
ILLINOIS EASTERN DIVISION

OLGA MARQUEZ and EDUARDO  
MARQUEZ,

Plaintiffs,

vs.

TARGET CORPORATION,

Defendant.

No. 08 C 990

FILED

FEB 19 2008 <sup>ae</sup>

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

---

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S, TARGET  
CORPORATION, NOTICE OF REMOVAL TO FEDERAL COURT**

---

NOW COMES Defendant, TARGET CORPORATION, by its attorneys, SmithAmundsen LLC, and pursuant to 28 USC §§ 1332, 1441 and 1446, moves this Court to remove this action to the United States District Court for the Northern District of Illinois, Eastern Division, and in support thereof, states as follows:

**I. Statement of Facts**

1. On January 8, 2008, Plaintiffs filed a personal injury law suit in the Circuit Court of Cook County, Law Division, in which it was alleged that Plaintiff, Olga Marquez, slipped and fell at a Target Store located at 2901 S. Cicero Avenue, Cicero, Illinois on June 9, 2007. *(Please see Complaint at Law, attached hereto and incorporated herein as "Exhibit A.")* Defendant, Target Corporation was served on January 18, 2008, *(please see Evidence of Process, attached hereto and incorporated*

herein as "Exhibit B") and filed an appearance in state court on February 15, 2008.  
*(Please see Appearance, attached hereto and incorporated herein as "Exhibit C.")*

## II. Argument

### *a. The parties are citizens of different states*

2. The existence of diversity jurisdiction is determined at the time a case begins. Denlinger v. Brennan, 87 F.3d 214, 216 (7th Cir. 1996). Furthermore, an individual is a citizen of the state in which he is domiciled. Dausch v. Rykse, 9 F.3d 1244, 1245 (7th Cir. 1993). To be domiciled in a state, an individual must be physically present in that state and intend to remain there indefinitely. Perry v. Pogemiller, 16 F.3d 138, 140 (7th Cir. 1993). To determine where an individual intends to remain, courts look for objective manifestations of intent such as where the individual is employed; registered to vote; where he pays taxes; the location of his bank accounts, personal property and any land he owns; and whether the individual belongs to any clubs or organizations. O'Neal v. Atwal, 425 F. Supp. 2d 944, 2006 U.S. Dist. LEXIS 17817 (W.D. WI).

3. The named Plaintiff, Olga Marquez, is a citizen of the State of Illinois because she is domiciled in Illinois. Olga Marquez is domiciled in Illinois because she lives in Illinois *(please see Incident Report, attached hereto and incorporated herein as "Exhibit D")*; she is employed in Illinois. *(Please see Letter from Plaintiff's Attorney, attached hereto and incorporated herein as "Exhibit E")*; and all of her medical treaters were in Illinois. *(Please see "Exhibit E.")*

4. Plaintiff filled out and signed a Short-term Disability Request for the Chicago Tribune in which she indicated that her address is 3330 S. 60<sup>th</sup> Ct., Cicero,

Illinois 60804. *(Please see Short-term Disability Request, attached hereto and incorporated herein as "Exhibit F.")*

5. Furthermore, Plaintiff's medical bills from the following clinics are address to the same Illinois address:

- a. Plaintiff's medical bill from MacNeal Health Network is addressed to Olga Marquez, 3330 S. 60<sup>th</sup> Ct., Cicero, Illinois 60804. *(Please see MacNeal Health Network bill, attached hereto and incorporated herein as "Exhibit G.")*
- b. Plaintiff's medical bill from Berwyn Emergency Physician's Office is addressed to Olga Marquez, 3330 S. 60<sup>th</sup> Ct., Cicero, Illinois 60804. *(Please see Berwyn Emergency Physician's Office bill, attached hereto and incorporated herein as "Exhibit H.")*
- c. Plaintiff's medical bill from Insight Imaging is addressed to Olga Marquez, 3330 S. 60<sup>th</sup> Ct., Cicero, Illinois 60804. *(Please see Insight Imaging bill, attached hereto and incorporated herein as "Exhibit I.")*
- d. Plaintiff's medical bill from Northwestern Neurosurgical Associates, S.C. is addressed to Olga Marquez, 3330 S. 60<sup>th</sup> Ct., Cicero, Illinois 60804. *(Please see Northwestern Neurosurgical Associates, S.C. bill, attached hereto and incorporated herein as "Exhibit J.")*
- e. Plaintiff's medical bill from Resurrection Health Care is addressed to Olga Marquez, 3330 S. 60<sup>th</sup> Ct., Cicero, Illinois 60804. *(Please see Resurrection Health Care bill, attached hereto and incorporated herein as "Exhibit K.")*

6. The named Plaintiff, Eduardo Marquez, is also a citizen of the State of Illinois because he is married to Olga Marquez, who is a citizen of Illinois pursuant to paragraph # 4 above. *(Please see "Exhibit A," ¶ 7.)* Furthermore, the following bills were addressed to Plaintiff, Eduardo Marquez, indicating his Illinois address:

- a. A medical bill from Family Medical Dental Center is addressed to Eduardo Marquez, 3330 S. 60<sup>th</sup> Ct., Cicero, Illinois 60804. *(Please*

*see Family Medical Dental Center bill, attached hereto and incorporated herein as "Exhibit L."*

7. If the following information is not enough to support a finding that both Plaintiff's are citizens of Illinois then this Defendant maintains that the suit is not yet removable and therefore pursuant to 28 U.S.C. §1446(b), Defendant has 30 days after the service of paper that indicates that the case has become removable. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68-69 (1996).

8. Furthermore, this Defendant has served a Request to Admit Facts upon Plaintiff that will serve as a proper service of paper that indicates that the case has become removable. 28 U.S.C. §1446(b).

9. The Defendant, TARGET CORPORATION, has its principal place of business in Minneapolis, Minnesota and has maintained its principal place of business in Minnesota at all relevant times. *(Please see Securities Exchange Commission Report, attached hereto and incorporated herein as "Exhibit M.")* In addition, TARGET CORPORATION is currently and has been a Minnesota corporation since the date of the incident that is the subject of Plaintiff's lawsuit. *(Please see Illinois Secretary of State printout, attached hereto and incorporated herein as "Exhibit N.")* Therefore, for diversity purposes, TARGET CORPORATION is a citizen of the State of Minnesota, and thus complete diversity exists between Plaintiffs and Defendant.

***b. The amount in controversy exceeds \$75,000.00***

10. The Complaint further alleges that the incident caused Plaintiff, Olga Marquez, to suffer "injuries of a personal and pecuniary nature, including but not limited to medical expenses, pain and suffering, lost earnings, and physical and emotional trauma, all of which are permanent." *(Please see "Exhibit A," ¶ 7.) (Emphasis added.)*

The affidavit signed by Plaintiff's counsel, Jeffrey A. Schulkin, states that the damages incurred by Plaintiff include a "herniated disc that required spinal surgery, *inter alia*" and also acknowledged that the case was worth in excess of \$50,000.00. (*Please see Affidavit, attached hereto and incorporated herein as "Exhibit O."*) Further, Plaintiff has alleged that to date she has medical bills related to the incident that exceed \$25,000.00, and that she has missed work due to the incident, including 6/13/07, 06/22/07, 6/29/07 through 7/13/07, 8/213/07 [sic], 9/10/07, 9/19/07, 10/8/07, 10/30/07 through 01/22/08. The letter further indicates that Plaintiff left work early on sixteen different days. (*Please see "Exhibit E."*)

11. Given the nature of the allegations, the movant believes in good faith that the amount in controversy exceeds the jurisdictional limit of \$75,000.00, exclusive of interest and costs. Therefore, there is diversity of citizenship between Plaintiff, Olga Marquez, and Defendant.

**c. The court has jurisdiction over Eduardo Marquez pursuant to 28 U.S.C. 1367**

12. In Exxon Mobil Corp. v. Allapattah Services, Inc., 545 U.S. 546, 125 S. Ct. 2611, 2615, 162 L. Ed. 2d 502 (2005), the Supreme Court stated "that, where the other elements of jurisdiction are present and at least one named plaintiff in the action satisfies the amount-in-controversy requirement, § 1367 does authorize supplemental jurisdiction over the claims of other plaintiffs in the same Article III case or controversy, even if those claims are for less than the jurisdictional amount specified in the statute setting forth the requirements for diversity jurisdiction." Therefore, this court has supplemental jurisdiction over Eduardo Marquez.

**d. Conclusion**

13. The Movant's Memorandum of Law in Support of the Notice of Removal is based upon subject matter jurisdiction conferred by diversity of citizenship, as established in 28 U.S.C. § 1332.

14. This action is removable to the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. Section 1441, which provides that any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the Defendants to the district court of the United States for the district and division embracing the place where such action is pending.

15. This Memorandum of Law in Support of the Notice of Removal is filed timely within 30 days after Target Corporation was served in compliance with 28 U.S.C. Section 1446(b). *(Please see Evidence of Process, attached hereto and incorporated herein as "Exhibit B.")* Defendant was served on January 18, 2008 and 30 days thereafter was February 17, 2008, which was a Sunday. Pursuant to Fed. R. Civ. P. 6(a), when determining deadlines for filing, "the last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday." February 17, 2008 was a Sunday and February 18, 2008, was President's Day, a legal holiday. Therefore, because this Court was closed, Defendant's filing is timely done on Tuesday, February 19, 2008.

16. Defendants have attached hereto as Exhibit "P", copies of the complaint, evidence of process, motions, and orders served upon it in this action. No other processes, pleadings or orders, other than the documents attached hereto, have been served upon or delivered to the Defendant. The attached documents do not evidence

intent to litigate this matter in state court. *(Please see File Materials, attached hereto and incorporated herein as "Exhibit P.")*

17. As required by 28 U.S.C. § 1446(d), the movant has promptly served upon Plaintiff's counsel and has filed with the Circuit Court of Cook County a true and correct copy of the Notice of Removal and the Memorandum of Law in Support thereof.

18. By removing this action, the movant does not waive any defenses available to them.

19. If any question arises as to the propriety of the removal of this action, the movant requests the opportunity to present a brief and oral argument in support of its position that this case is removable.

20. This memorandum of Law in Support of the Notice of Removal is signed in compliance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant, TARGET CORPORATION, prays that this Honorable Court retain jurisdiction of the matter pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

Respectfully Submitted,

SmithAmundsen LLC



Attorney for Defendant,  
TARGET CORPORATION

Michael J. McGowan  
SmithAmundsen LLC  
150 North Michigan Avenue, Suite 3300  
Chicago, IL 60601  
(312) 894-3200  
ARDC NO.: 6199089



**CERTIFICATE OF SERVICE**

I, Michael J. McGowan, an attorney hereby certify that on the 19<sup>th</sup> day of February, 2008, I filed the foregoing Memorandum of Law in Support of the Notice of Removal to Federal Court, along with Exhibits A-P, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jeffrey A. Schulkin  
Munday & Nathan  
33 N. Dearborn St., Suite 2220  
Chicago, IL 60602  
Phone: (312) 346-5678  
**Attorneys for Plaintiffs**

  
\_\_\_\_\_  
Michael J. McGowan

## **EXHIBIT A**



4. Not regarding the duty as aforesaid, the defendant TARGET CORPORATION was guilty of one or more of the following careless and negligent acts or omissions:

- (a) carelessly and negligently failed to properly inspect the floor used by customers at said premises;
- (b) carelessly and negligently caused an unnatural accumulation of water or other liquid to be on the floor used by customers at the premises;
- (c) carelessly and negligently allowed the said floor used by customers at said premises to contain an unnatural accumulation of water or other liquid, creating a dangerous condition;
- (d) carelessly and negligently failed to remove the unnatural accumulation of water or other liquid from the floor used by customers at the said premises;
- (e) carelessly and negligently failed to give timely and sufficient warnings of the unnatural accumulation of water or other liquid, or otherwise dangerous conditions on the floor at the said premises.

5. As a direct and proximate result of the careless and negligent acts of the defendant, TARGET CORPORATION, the plaintiff was caused to fall to the ground while walking upon or along the said area.

6. As a direct and proximate result of the aforesaid, the plaintiff, OLGA MARQUEZ, suffered injuries of a personal and pecuniary nature, including but not limited to medical expenses, pain and suffering, lost earnings, and physical and emotional trauma, all of which are permanent.

WHEREFORE, the plaintiff, OLGA MARQUEZ, asks judgment against the defendant, TARGET CORPORATION, in a sum in excess of Fifty Thousand Dollars (\$ 50,000.00), which will fairly compensate the plaintiff for the injuries sustained.

**COUNT II**  
**(EDUARDO MARQUEZ v. TARGET CORPORATION)**

The plaintiff, EDUARDO MARQUEZ, by his attorneys, MUNDAY & NATHAN, makes the following allegations against the defendant, TARGET CORPORATION:

1-6. Plaintiff EDUARDO MARQUEZ realleges paragraphs one (1) through six (6) of Count I as if the same were set forth herein as paragraphs one (1) through six (6) of this Count II.

7. Prior to the 9<sup>th</sup> day of June, 2007, the plaintiff, EDUARDO MARQUEZ, was legally married to OLGA MARQUEZ, and, as husband and wife, each became entitled to the companionship, society, guidance, material services and consortium of their respective spouses.

8. As a result of the injuries to OLGA MARQUEZ, the plaintiff, EDUARDO MARQUEZ, was deprived, and will in the future be deprived, of the companionship, society, guidance, material services and consortium of his spouse, OLGA MARQUEZ.

WHEREFORE, the plaintiff, OLGA MARQUEZ, asks judgment against the defendant, TARGET CORPORATION, in a sum in excess of Fifty Thousand Dollars (\$ 50,000.00), which will fairly compensate the plaintiff for the injuries sustained.

Jeffrey A. Schulkin  
MUNDAY & NATHAN  
33 North Dearborn St.  
Suite 2220  
Chicago, IL 60602  
(312) 346-5678

MUNDAY & NATHAN,

  
\_\_\_\_\_  
Attorneys for Plaintiffs

## **EXHIBIT B**

**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**

01/18/2008  
CT Log Number 512998142



**TO:** Carter Leuty  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403-

**RE:** Process Served in Illinois

**FOR:** Target Corporation (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

**TITLE OF ACTION:** [REDACTED]  
**DOCUMENT(S) SERVED:** Summons, Complaint, Affidavit(s)  
**COURT/AGENCY:** Cook County Circuit Court - Cook County Department - Law Division, IL  
**NATURE OF ACTION:** [REDACTED]  
**ON:** [REDACTED]  
**APPEARANCE OR ANSWER DUE:** Within 30 days, not counting the day of service  
**ATTORNEY(S) / SENDER(S):** [REDACTED]  
[REDACTED] Dearborn Street  
Suite 2220  
Chicago, IL 60600-3109  
[REDACTED]  
**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day, 798855405628  
**SIGNED:** C T Corporation System  
**PER:** Tawana Carter  
**ADDRESS:** 208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
**TELEPHONE:** 312-345-4336

1/21/08 12:30  
Fed Ex  
1/21/08 12:30  
Seagull Su Cole

Page 1 of 1/PJ

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



## **EXHIBIT C**



Firm ID: 42907

3006465-MJM

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

OLGA MARQUEZ and  
EDUARDO MARQUEZ,

Plaintiff,

vs.

TARGET CORPORATION,

Defendant.

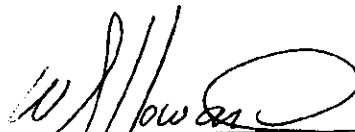
No.: 08 L 185

Calendar: D

**APPEARANCE AND JURY DEMAND**

The undersigned, as attorney, enters the appearance and jury demand of Defendant, TARGET CORPORATION.

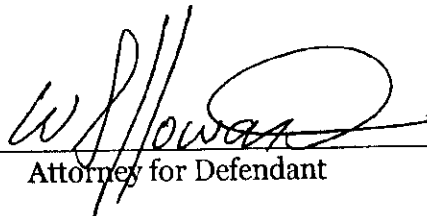
**\*Defendant demand trial by jury.**



William Seth Howard  
One of the Attorneys for Defendant,  
Target Corporation

SmithAmundsen LLC  
150 North Michigan Avenue, Suite 3300  
Chicago, Illinois 60601  
(312) 894-3200  
Firm No. 42907

I certify that a copy of the within instrument was served on all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.



Attorney for Defendant

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS**



## **EXHIBIT D**

**Guest Incident Report**Location# \_\_\_\_\_ Report# 685281 F

## Guest Information

First Name: Olga Marquez Last Name: MarquezGuardian Name (if a minor): NAAddress: 3330 S 60th Ct Cicero 60804Phone: (home, work, cell, other) H: 708-222-1167 W: \_\_\_\_\_ C: \_\_\_\_\_ O: \_\_\_\_\_Best Time to Call: NA

## Persons with the Guest (Name &amp; Phone)

Name: \_\_\_\_\_ H: \_\_\_\_\_ W: \_\_\_\_\_ C: \_\_\_\_\_ O: \_\_\_\_\_

Name: \_\_\_\_\_ H: \_\_\_\_\_ W: \_\_\_\_\_ C: \_\_\_\_\_ O: \_\_\_\_\_

Name: \_\_\_\_\_ H: \_\_\_\_\_ W: \_\_\_\_\_ C: \_\_\_\_\_ O: \_\_\_\_\_

## Incident Information

Date of Incident: 06/09/07 Time of Incident: 2:25 am/pm (pm)Date Incident Reported to Location: 06/09/07

Guest Description of the incident, illness and/or damage (in their own words): Guest states that, "I was walking down aisle slipped and fell on my back."

No warning signs at sight

Answer the following only if the incident involved a Slip &amp; Fall or Struck-By

What were the weather conditions? DryWhat type of shoes was the guest wearing? Flip FlopsWas the guest wearing glasses? ☐ Yes ☒ No ☐ N/AWere the guests clothes wet or dry? ☐ Wet ☒ Dry ☐ N/AWas there any object or liquid on the floor? ☒ Yes ☐ No ☐ N/AIf yes, describe the object/liquid's color, size, quantity and condition (ex: broken, melted, undisturbed) Clear, liquid long stripIf no, describe how you verified that there was no object or liquid on the floor (ex: felt area with hand or blotted with paper towel, etc.) NA

## Food Illness or Product (if applicable)

Date Purchased: NADoes Guest have a receipt? ☐ Yes ☐ No (If yes, retain copy)Date Consumed (if food): NA

How soon after consumption did symptoms begin (if food)?

Anyone else affected by this product?

If Yes, Name(s) / Address(s):

## Guest Signature

Print Name: Olga Marquez Signature: Olga Marquez Date: 6/9/07

## Team Leader Completing Report

Print Name: Rafael Zarate Signature: Rafael Zarate Date: 06/09/07**Note to Guest:** A representative of our company will contact you within the next few days. If you have questions before that time, please call: 1-800-553-8723 (Monday through Friday, 8:00 am to 5:00 pm cst).

White: Guest Reporting Center copy / Pink: Guest copy / Yellow: Store copy

**EXHIBIT**

tabbies

0

## **EXHIBIT E**

THE LAW OFFICES OF  
**MUNDAY & NATHAN**  
33 NORTH DEARBORN STREET  
SUITE 2220  
CHICAGO, IL 60602  
(312) 346-5878  
FAX (312) 346-8394

JEFFREY A. SCHULKIN  
jschulkin@mundayandnathan.com

February 1, 2008

Mr. Richard Jacobs  
Claims Examiner  
Sedgwick CMS  
Target Guest Reporting Center  
P.O. Box 14453  
Lexington, KY 40512-4453

RE: Olga Marquez and Eduardo Marquez v. Target Corp.  
Your Insured: Target Corporation  
Your Claim No. 000695281F-0001  
D/O, P/O: 6/9/07 at Target, 2901 S. Cicero Ave., Cicero, IL  
Our File No. 07-170

Dear Mr. Jacobs:

Please be advised that our client, Olga Marquez, suffered a herniated disc at L5-S1 that required surgery by a neurosurgeon on October 30, 2007, as well as a bulging disc at L4-5, a right wrist injury, as well as anxiety and problems sleeping following the incident of June 9, 2007. We have ordered all of our client's records and billing statements concerning the personal injuries and damages she sustained as a result of the incident, which we will forward to you upon receipt. In the meantime, enclosed please find a partial medical specials list detailing the information currently in our possession. In addition, we have also enclosed copies of the partial records and bills that we currently have, but they are clearly incomplete.

V In addition, Ms. Marquez works as a commercial collector for the Tribune Newspaper Network, earning \$ 37,000/year plus benefits. This incident caused her to miss the following dates from work: 6/13/07, 6/22/07, 6/29/07 through 7/13/07 (had to use vacation days for this time), 8/213/07, 9/10/07, 9/19/07, 10/8/07, 10/30/07 through January 22, 2008. In addition, due to her pain and appointments for doctors and therapy, the incident also required Ms. Marquez to leave work early on 6/22/07, 8/20/07, 8/28/07, 8/30/07, 9/4/07, 9/6/07, 9/11/07, 9/12/07, 9/20/07, 9/24/07, 9/25/07, 9/27/07, 10/1/07, 10/22/07, 10/25/07 and 10/29/07. We are in the process of securing documentation concerning her lost wages/earnings claim, which we will forward to you upon receipt.

000695281F0001

5120080204073150



**MUNDAY & NATHAN**

Mr. Jacobs  
February 1, 2008  
Page 2

In the meantime, if you have any questions or comments, please feel free to contact us.

Very truly yours,

**MUNDAY & NATHAN**

  
Jeffrey Schulkin

JAS  
Encl.

0088204073150

000695281F0001

5120080204073150

**OLGA MARQUEZ**  
**Our File No. 07-170**  
**D/O: 6/9/07**

**TREATMENT/SPECIALS LIST**

MacNeal Health Network/  
 Gunnar Medical Group  
 Dr. Christine Cheng  
 Dr. Jason Griffin

6/13/07	\$ 1,028.92
6/19/07	\$ 210.13
6/22/07 (ER at MacNeal Hospital)	\$ 2,647.56
9/24/07-present	\$ Investigation continues

Emergency Physician Office  
 (for services at MacNeal Hospital ER)  
 6/22/07

\$ 395.00

Family Medical/Dental Center  
 Dr. Luis Osorio  
 6721 W. Cermak Rd.  
 Berwyn, IL 60402  
 6/25/07 +

\$ Investigation continues

Berwyn MRI/Insight MRI  
 3345 S. Oak Park Ave.  
 Berwyn, IL 60402  
 8/11/07 (lumbar MRI)

\$ 1,159.00

Dr. Jean E. Bourand  
 5025 W. Fullerton  
 Chicago, IL 60639  
 8/16/07

\$ 70.00

Northwestern Neurosurgical Associates/  
 Dr. Francisco Gutierrez  
 201 E. Huron St., Suite 9-160  
 Chicago, IL 60611  
 8/23/07- 1/21/08

\$ Investigation continues

05132010208002

## Resurrection Medical Center

7435 W. Talcott Ave.

Chicago, IL 60631

10/25/07 (pre-surgical tests)	\$	749.00
10/30/07 (surgery)	\$	19,216.00

## Athletico Therapy

6255 S. Archer Ave.

Chicago, IL 60638

8/28/07 – 9/25/07 (therapy)	\$	2,105.00
-----------------------------	----	----------

## Walgreens Pharmacy

5840 W. 35<sup>th</sup> Street

Cicero, IL 60804

(prescription medications)	\$	69.67 +
		Investigation continues

Footsmart (for orthopedic pillow)	\$	47.98
-----------------------------------	----	-------

---

**TOTAL SPECIALS****\$ INVESTIGATION CONTINUES**

---

00880204073150



## EXHIBIT F

# TRIBUNE

## Short-Term Disability (STD) Request for Extension

**PART 1A: EMPLOYEE** (Please print) All blanks must be completed in order to process your claim. Fax completed form to the Human Resources fax number on the bottom right of this form. STD benefits will not be extended until this form is received and approved by the claims reviewer.

Name TRANZUE 0264 L  
 (Last) (First) (Middle)

Address 3330 5 40th Cicero IL 60804  
 (Street Number) (City) (State) (Zip Code)

Home Phone (708) 222-1167 Birthdate 01-11-74 Social Security # \_\_\_\_\_  
 (MM/DD/YYYY)

Is this illness/injury work related? YES ☒ NO ☐ Are you receiving state disability benefits for this illness/injury? YES ☒ NO ☐

Home Email Address (optional) \_\_\_\_\_

**PART 1B: EMPLOYEE** (Please sign and date)

**AUTHORIZATION TO RELEASE INFORMATION:** I hereby authorize the undersigned physician to release to Tribune Company, Chicago Tribune and/or Disability Management Alternatives (DMA) any information which he/she possesses which is pertinent to my STD claim. I authorize DMA to disclose to Tribune Company, Chicago Tribune and METLIFE, if applicable, any and all information pertinent to my STD claim which DMA may receive from the undersigned physician. The authorization granted DMA herein shall be continuing until I return to work or my STD claim has been resolved, whichever is later. If applicable, this authorization for release of medical information is made pursuant to the terms of the Confidentiality of Medical Information Act of 1980, section 56 et seq. of the Cal. Civil Code. I understand that I have a right to receive a copy of this Authorization.

Employee's Signature Alga I. Maiguy Date 11-21-07

**PART 2: ATTENDING PHYSICIAN** (Please print) Please be specific and complete all sections.

Diagnoses (list all applicable) Hammer's Ankle Sprain

Have there been changes or additions to the original diagnoses? \_\_\_\_\_

Treatment Hammer's Ankle Sprain LT-SI  
Neuroscience

Have there been changes in treatment? \_\_\_\_\_

Medications (list all) Danabol - Flexon

Therapy \_\_\_\_\_

Surgery - Additional performed or planned? Oct/20/07

Complications - Have there been complications during treatment (or of the diagnoses) which necessitate extension? \_\_\_\_\_

Prognosis Good

What is patient's current level of disability? Partial

List office / hospital visit dates 11-19-07

Best estimate or return to work (specify estimated date) \_\_\_\_\_

Physician's Name (print) F. Gutierrez Degree M.D.

Specialty Neurology Hospital Affiliation \_\_\_\_\_

Address 201 E. 4th St Chicago IL 60611  
 (Street Number) (City) (State) (Zip Code)

Phone (312) 722-4944 Physician's Office Contact \_\_\_\_\_

Physician's Signature [Signature] Date 11-19-07

**PART 3: HUMAN RESOURCES - FOR COMPANY USE ONLY**

Company Number \_\_\_\_\_ Company Name \_\_\_\_\_

Employee's Return to Work Date (if known) \_\_\_\_\_

Human Resources Signature \_\_\_\_\_ Date \_\_\_\_\_

PLEASE FAX COMPLETED FORM TO 312-222-3256

000695281F0001

5120080204073150

EXHIBIT

F

tabbies

## EXHIBIT G



2384 Paysphere Circle • Chicago, IL 60674-2384

15874-L328



0101

RETURN SERVICE REQUESTED

CURRENT INSURANCE  
AETNA PPO

ADDRESSEE:

OLGA MARQUEZ  
3330 S 60TH CT  
CICERO, IL 60804-3712

CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> VISA
<input type="checkbox"/> AMERICAN EXPRESS		
CARD NUMBER	AMOUNT	
SIGNATURE	EXP. DATE	
STATEMENT DATE	TOTAL AMOUNT DUE	ACCOUNT NO.
07/10/2007	\$668.80	36711539
PATIENT NAME	AMOUNT PAID	
MARQUEZ, OLGA	\$	

REMIT TO:

822243

MACNEAL HEALTH NETWORK  
2384 PAYSHERE CIRCLE  
CHICAGO, IL 60674-2384

15874-L328\*T400KBPW5000055

☐ Please check box if above address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

## STATEMENT

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

SERVICE DATE	DESCRIPTION OF SERVICES	CHARGES	PAYMENT/ ADJUSTMENT	AMOUNT DUE
06/14/2007	OUTPATIENT			
<p>TO DATE WE HAVE NOT RECEIVED PAYMENT FROM YOUR INSURANCE. PLEASE CONTACT THEM TO RESOLVE THIS BILL OR REMIT PAYMENT TODAY.</p> <p>"Thank you for choosing MacNeal Health Network for your healthcare needs. We are committed to providing the highest quality healthcare for you, your family and your community."</p> <p>FOR BILLING INQUIRIES, CALL Para preguntas con respecto a su cuenta llame: 800-290-5090 An itemized bill will be available upon request.</p>				

170080770120

3249 S. Oak Park Ave.  
Berwyn, Illinois 60402800-290-5090  
Additional information  
located on reverse sideWebsite:  
<http://www.macneal.com>

## SUMMARY OF ACCOUNT:

Total Charges	\$	1028.92
Total Adjustments	\$	-360.12
Total Insurance Payments	\$	.00
Total Patient Payments	\$	.00
Total Account Balance		

EXHIBIT

6

15874-L328\*T400KBPW5000055

000695281F0001

000695281F0001

4107102208007103

## EXHIBIT H



Emergency Physician's Office  
PO Box 60439  
Ft. Myers, FL 33906-6439

NOT A REMIT ADDRESS

TAX ID NUMBER: 38-3573724

742 01  
OLGA MARQUEZ  
3330 S 60TH CT  
CICERO, IL 60804-3712

CXSTM



CHECK CARD TYPE (USING FOR PAYMENT)		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> VISA	<input type="checkbox"/> DISCOVER
CARD NUMBER	EXP. DATE	Security Code
SIGNATURE		AMOUNT
GROUP NUMBER	ACCOUNT NUMBER	
222001	334060	
STATEMENT DATE	PAY THIS AMOUNT	SHOW AMOUNT PAID
08/25/07	\$10.21	

Make checks payable and send to:  
BERWYN EMER PHYSICIANS, LLP  
75 REMIT. DR #1209  
CHICAGO IL 60675 1209

☐ Please check box if above address is (incorrect or if insurance information has changed and indicate change(s) on reverse side.

Please detach and return the top portion with your payment.

If you have any questions please contact us at (800) 700-9078 or [apollobilling@ecl-med.com](mailto:apollobilling@ecl-med.com) 1 of 1

DATE	PROVIDER	TRANS. CODE	DESCRIPTION	CHARGES/DEBITS	PAYMENTS/CREDITS	BALANCE INFORMATION
08/22/07	OLGA MARQUEZ	99284	EMERGENCY DEPT VISIT	366.00		
08/14/07	KEITH JOHN	99284	CONTRACTED INSURANCE PMT		121.57	
08/14/07	KEITH JOHN	99284	CONTRACTUAL ADJUSTMENT		244.43	
08/22/07	KEITH JOHN	99284	RHYTHM ECG REPORT	29.00		
08/14/07	KEITH JOHN	99284	CONTRACTUAL ADJUSTMENT		218.70	
			ACCOUNT BALANCE			10.21

#### INSURANCE INFORMATION

AETNA RPO  
WY151002206 8002720150002B  
HOMEMAKER

Please make check payable to MacNeal Emergency Physicians, LLP.  
Payment may be made by check, money order, or major credit cards. This bill is for the physician services, not for the hospital charges.  
Noted: if you have already paid this bill, please disregard this statement. Thank you.  
You can email your insurance information or billing questions to [apollobilling@ecl-med.com](mailto:apollobilling@ecl-med.com) or call 1-800-700-9078.

We have filed this claim with your carrier, however, we have not yet received payment. Please contact your carrier to arrange for payment. We would appreciate your prompt attention to this statement. Please contact our office if you do not agree with the balance due.

BERWYN EMER PHYSICIANS, LLP

STATEMENT DATE  
08/25/07

ACCOUNT BALANCE  
10.21

PENDING INSURANCE  
0.00

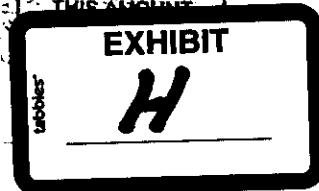
PLEASE PAY THIS AMOUNT

173834713 452124-14 742

4107102208007103

000695281F0001

000695281F0001



# EXHIBIT I

10/01/2007 10:20

110-004-1243

INSIGHT HEALTH CORP

PAGE 10/12

MARQUEZ, OLGA  
2331837

Patient Billing ID:



Results. Right. Now

## Itemized Statement

OLGA MARQUEZ  
3330 S 60TH CT  
CICERO, IL 60804

### Account Information

Service Location: BERWYN MAGNETIC RESONANCE CENTER  
3345 SOUTH OAK PARK AVENUE BERWYN IL 60402  
Billing Location: PO BOX 404166 ATLANTA GA 303844166  
Phone: ( 886 ) 674-9985

Service #1	CPT Code	Service Date: 08/11/07	Activity	Amount
Activity Date		Service Description		
8/17/2007	72148	MRI, LUMBAR SPINE WITHOUT CONTRAST	CHARGE	\$1,159.00
9/20/2007	72148	MRI, LUMBAR SPINE WITHOUT CONTRAST	PAYMENT (Aetna)	(\$458.67)
9/20/2007	72148	MRI, LUMBAR SPINE WITHOUT CONTRAST	INSURANCE WRITE OFF	(\$700.43)
			Balance	\$0.00

110090720120

[26] Itemized Patient Statement  
RPTItemizedStatement

1

Monday, October 01, 2007  
10:40:54AM

000695281F0001

000695281F0001

4107102208007103





## EXHIBIT J

**NORTHWESTERN NEUROSURGICAL ASSOCIATES, S.C.**

Francisco A. Gutierrez, M.D.

Wesley Y. Yapori, M.D.

TAX ID # 36-3088987

201 E. Huron St.

Suite 9-160

Chicago, Illinois 60611

(312) 926-3490

FAX (312) 926-3492

7447 W. Talcott

Suite 531

Chicago, Illinois 60639

(773) 594-0200

PROCEDURES			DIAGNOSIS		ICD	DIAGNOSIS		ICD
<b>CPT</b>	<b>NEW PATIENT</b>	<b>FEE</b>	( )	Arachnoid Cyst, Brain	348.0	( )	Hematoma, Subdural Injury w/o Open Wound	852.2
9201	Level 1		( )	Arachnoiditis	322.9	( )	Herniated Cervical Disc	722.0
9202	Level 2		( )	Arnold Chiari Malformation Syndrome	348.4	( )	Herniated Lumbar Disc	722.1
9203	Level 3		( )	Brachial Plexus Injury	953.4	( )	Herniated Thoracic Disc	722.1
9204	Level 4		( )	Brachial Plexus Lesion	353.1	( )	Hydrocephalus, Communicating	331.3
9205	Level 5		( )	Brain Abscess	324.0	( )	Hydrocephalus, Obstructive	331.4
			( )	Brain Contusion w/Loss of Consciousness	851.81	( )	Hydrocephalus, Congenital	742.3
			( )	Brain Contusion w/Brief Loss of Consciousness	851.82	( )	ICH (Intracerebral Hemorrhage)	431
			( )	Brain Stem Tumor	191.7	( )	Low Back Pain	724.2
<b>CPT</b>	<b>ESTABLISHED PATIENT</b>	<b>FEE</b>	( )	Brain Tumor Benign	225.0	( )	Low Back Strain	846.9
9211	Level 1		( )	Brain Tumor (Glioma)	191.0	( )	Myelomeningocele	741.91
9212	Level 2		( )	Carpal Tunnel	354.0	( )	Neuropathy	335.9
9213	Level 3		( )	Cerebral Aneurysm, Non Ruptured	437.3	( )	Pituitary Tumor	239.7
9214	Level 4		( )	Cerebral Parasite	123	( )	Post Concussion Syndrome	310.2
9215	Level 5		( )	Cervical Fracture	805.0	( )	Post Operative Wound Infection	998.55
			( )	Cervical (Odontoid) Fracture	805.02	( )	SAH	430
			( )	Cervical Myelopathy	721.1	( )	SAH Following Injury w/No Loss of Consciousness	852.0
			( )	Cervical Pain	723.1	( )	SAH Following Injury w/Brief Loss of Consciousness	852.02
9204	Post-op Visit		( )	Cervical Radioulopathy, Radiculitis	723.4	( )	SAH Nontraumatic	432.1
<b>CPT</b>	<b>CONFIRMATORY CONS.</b>	<b>FEE</b>	( )	Cervical Spondylosis	721.0	( )	Scoliosis	737.30
9271	Level 1		( )	Cervical Stenosis	723.0	( )	Shunt Malfunction	996.2
9272	Level 2		( )	Craniosynostosis	756.0	( )	Spinal Abscess	324.1
9273	Level 3		( )	CVA, Stroke	436	( )	Spinal Cord Tumor	225.3
9274	Level 4		( )	Decompression Sickness	993.3	( )	Spinal Fracture w/o Deficit (Cervical)	805.00
9275	Level 5		( )	Dizziness	780.4	( )	Spinal Neoplasm, Benign	237.5
			( )	Epilepsy	345.1	( )	Spine Cyst	733.20
<b>CPT</b>	<b>CONSULTATIONS</b>	<b>FEE</b>	( )	Fracture Cervical (Odontoid)	805.02	( )	Spinal Pseudomeningocele (CSF)	349.81
9241	Level 1		( )	Fracture Thoracic Closed	805.2	( )	Spondylosis Cervical with Myelopathy	721.1
9242	Level 2		( )	Fracture Lumbar Closed	805.4	( )	Spondylosis Cervical w/o Myelopathy	721.0
9243	Level 3		( )	Headache	784.0	( )	Spondylosis Thoracic	721.41
9244	Level 4		( )	Headache, Cluster	346.20	( )	Spondylosis Lumbar	721.42
9245	Level 5		( )	Headache, Migraine	346.00	( )	Spondylosis Lumbosacral Region	756.1
			( )	Headache, Muscle (Tension)	307.81	( )	Spondylolisthesis	756.2
			( )	Head Injury with out Open Wound	854.00	( )	Stenosis, Cervical	723.0
<b>CPT</b>	<b>LEGAL</b>	<b>FEE</b>	( )	Head Injury with Open Wound	854.01	( )	Stenosis, Thoracic	724.01
Prep. for Depo.			( )	Hematoma, Epidural (Injury)	852.4	( )	Stenosis, Lumbar	724.02
Deposition			( )	Hematoma, Epidural (Nontraumatic)	432.0	( )	Syncope & Collapse	780.2
Attorney Conference			( )	Hematoma, Intracerebral with out Open	853.00	( )	Syringomyelia, Syrinx	336.03
Court Appearance			( )	Hematoma, Intracerebral with Open	853.10	( )	Trigeminal Neuralgia	350.1
			( )	Hematoma, Subdural (Nontraumatic)	432.1	( )	Ulnar Neuropathy, Tardy Ulnar Palsy	354.2
			( )	Hematoma, Subdural Injury w/Open Wound	852.10	( )	Wound Infection	958.3

DATE	TIME	PATIENT	REASON	PRIOR BALANCE	RETURN TO WORK
08/23/07	10:00	DLBA L MARQUEZ	NP/111	PAT 0.00 TNS 0.00	
TICKET NO.	DR. #	DOCTOR	LOCATION	D.O.B.	TODAY'S CHARGE
90706		1 GUTIERREZ	NWTH NEURO ASSOC-744	01/11/74	25.00
PATIENT NO.	RESPONSIBLE PARTY	PH #	REFERRING DR.	ADJUSTMENTS	NEXT APPOINTMENT:
31566	DLBA L MARQUEZ	222 1167		COPY	
S	M	F	ADDRESS	CITY/STATE	ZIP CODE
			3330 S 60TH CRT	CICERO	IL 60804
OVER 90	OVER 60	OVER 30	CURRENT	TOTAL DUE	PT
0.00	0.00	0.00	0.00	0.00	BC 8 CS 1 PAY CHOICE 0
INSURANCE COMPANY	BA	SCT	POLICY I.D.	RELATIONSHIP TO INSURED	TODAY'S PAYMENT
				SELF SPOUSE CHILD OTHER	25.00
					BALANCE DUE
					0

I hereby authorize my insurance benefits to be paid directly to the above signed physician, realizing I am responsible to pay non-covered services and I hereby authorize the release of pertinent medical information to insurance carriers.

000695281F0001

5120080204073150

EXHIBIT

J

## EXHIBIT K



**Resurrection  
Health Care**

Resurrection Medical Center  
7435 W. Talcott Ave  
Chicago, IL 60631

**Customer Service:**

Hours 9:00 A.M. - 4:00 P.M. (847) 813-3600

Need a payment option or charity care information? Please contact our customer service number listed above.

¿Necesita una opción de pago o informes acerca de cuidado caritativo? Favor de comunicarse con servicios al cliente al numero indicado arriba.

OLGA MARQUEZ  
3330 S 60TH COURT  
CICERO, IL 60804-3712



Resurrection Medical Center  
PO Box 220281  
Chicago, IL 60622-0281

☐ Please check box if above address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

STATEMENT

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

IF PAYING BY CREDIT CARD, PLEASE FILL OUT BELOW		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
CHECK CARD TO BE USED FOR PAYMENT		
CARD NUMBER	AMOUNT	
SIGNATURE	EXP. DATE	
STATEMENT DATE	PAY THIS AMOUNT	ACCOUNT NUMBER
11/04/07	INSURANCE PENDING	07303-00092
PATIENT NAME		
MARQUEZ, OLGA		

**Total Charges :**

**19,216.00**

Should you have any questions, concerns, or would like to receive an itemized bill, please do not hesitate to call us at (847) 813-3600 between the hours of 9:00 am until 4:00 pm Monday through Friday.

Again, thank you for choosing Resurrection Medical Center. We hope to serve you again the next time health care needs arise.

Sincerely,

Patient Financial Services

Page 2 of 2

This itemized statement represents hospital services. You may receive a separate bill from your physician for professional services.

000695281F0001

5120080204073150



Resurrection

EXHIBIT

k

tabbies

0080204073150

## EXHIBIT L

**Pay to:**

**Family Medical Dental Center**  
 6721 W Cermak Rd  
 Berwyn, IL 60402  
 (708) 749-0277

**Eduardo Marquez**  
 3330 South 60th Court  
 Cicero, IL 60804

**Patient Receipt**

**Monday, June 25, 2007**

Amount Due	Amount Paid
\$0.00	\$15.00

Date	Description	Check #	Fee	Units	Insurance	Patient
06/25/2007	Olga Marquez(4366)Luis A Osorio MD/FMID027898				\$0.00	(\$15.00)
	Payment from Marquez, Olga					
	Thank You					
	Balance:				\$0.00	(\$15.00)

Thank you for your payment today. We appreciate you choosing our facility and hope we have met your expectations. Call us if you

Deposit	0-30	31-60	61-90	91-120	Over 120	Total Balance	Ins. Balance	Pat. Balance
\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$15.00	\$0.00	-\$15.00

Family Medical Dental Center \* 6721 W Cermak Rd \* Berwyn, IL 60402 \* (708) 749-0277

0080204073150



000695281F0001

## EXHIBIT M

This is Google's cache of <http://www.secinfo.com/d11MXs.u11jh.d.htm> as retrieved on Dec 19, 2007 06:34:28 GMT.

Google's cache is the snapshot that we took of the page as we crawled the web.

The page may have changed since that time. Click here for the [current page](#) without highlighting.

This cached page may reference images which are no longer available. Click here for the [cached text](#) only.

To link to or bookmark this page, use the following url: [http://www.google.com/search?q=cache:yaQyNgyPgSoJ:www.secinfo.com/d11MXs.u11jh.d.htm+target+corporation+principal+place+of+business&hl=en&ct=clnk&cd=3&gq](http://www.google.com/search?q=cache:yaQyNgyPgSoJ:www.secinfo.com/d11MXs.u11jh.d.htm+target+corporation+principal+place+of+business&hl=en&ct=clnk&cd=3&gq=cache:yaQyNgyPgSoJ:www.secinfo.com/d11MXs.u11jh.d.htm+target+corporation+principal+place+of+business&hl=en&ct=clnk&cd=3&gq)

Google is neither affiliated with the authors of this page nor responsible for its content

These search terms have been highlighted: **target corporation principal place business**

[SEC Info](#) [Home](#) [Search](#) [My Interests](#) [Help](#) [Sign In](#) [Please Sign In](#)

## Target Corp · 8-K · For 5/1/07 · EX-4.1

Filed On 5/1/07 5:09pm ET · SEC File 1-06049 · Accession Number 1104659-7-34430

in  this filing. ☐ Show ☐ docs searched ☐ and ☐ every "hit". ☐  
[Help...](#) **Wildcards:** ? (any letter), \* (many). **Logic:** for Docs: & (and), | (or); for Text: | (anywhere), "(&)" (near).

<u>As Of</u>	<u>Filer</u>	<u>Filing</u>	<u>As/For/On</u>	<u>Docs: Pgs</u>	<u>Issuer</u>
5/01/07	Target Corp	8-K{9}	5/01/07	4:20	

### Current Report · Form 8-K Filing Table of Contents

<u>Document/Exhibit</u>	<u>Description</u>	<u>Pages</u>	<u>Size</u>
1: <u>8-K</u>	Current Report	HTML	22K
2: <u>EX-4.1</u>	Instrument Defining the Rights of Security Holders	HTML	19K
3: <u>EX-4.2</u>	Instrument Defining the Rights of Security Holders	HTML	63K
4: <u>EX-5.1</u>	Opinion re: Legality	HTML	13K

### EX-4.1 · Instrument Defining the Rights of Security Holders

This is an EDGAR HTML document rendered as filed. [ [Alternative Formats](#) ]

Exhibit 4.1

TARGET CORPORATION

AND

THE BANK OF NEW YORK TRUST COMPANY, N.A.

Trustee





SEC Info - Target Corp - 8-K - For 5/1/07 - EX-4.1

FIRST SUPPLEMENTAL INDENTURE, dated as of May 1, 2007, between **TARGET CORPORATION**, a Minnesota corporation (hereinafter called the "Company") having its principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403, and **THE BANK OF NEW YORK TRUST COMPANY, N.A.** (as successor in interest to Bank One Trust Company, N.A.), not in its individual capacity but solely as trustee under the Indenture referred to herein and under this First Supplemental Indenture (hereinafter called the "Trustee"), having its Corporate Trust Office at 2 North LaSalle Street, Chicago, Illinois 60602. For all purposes of this First Supplemental Indenture, capitalized terms not otherwise defined herein shall have the meanings set forth in the Indenture.

#### RECITALS OF THE COMPANY

The Company and the Trustee have heretofore executed and delivered a certain Indenture, dated as of August 4, 2000 (the "Indenture"), providing for the issuance from time to time of Debt Securities;

Section 901 of the Indenture provides that a supplemental indenture may be entered into by the Company and the Trustee without the consent of any Holders to change or eliminate any of the provisions of the Indenture, provided that any such change or elimination (i) shall become effective only when there is no Debt Security Outstanding of any series created prior to the execution of such supplemental indenture which is entitled to the benefits of such provisions or (ii) shall not apply to any Debt Security Outstanding; and

The conditions set forth in the Indenture for the execution and delivery of this First Supplemental Indenture have been satisfied and all things necessary have been done to make this First Supplemental Indenture a valid agreement of the Company, in accordance with its terms, and a valid amendment of, and supplement to, the Indenture.

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

For and in consideration of the premises and the purchase of Debt Securities by the Holders thereof, it is mutually covenanted and agreed, for the equal and ratable benefit of all Holders of Debt Securities of any series created on or after the date hereof (including, without limitation, the Company's 5.375% Notes due 2017), that the Indenture is supplemented and amended, to the extent expressed herein, as follows:

#### ARTICLE ONE

##### AMENDMENT TO EVENTS OF DEFAULT

Section 101. *Events of Default*. Clause (5) of the definition of "*Event of Default*" set forth in Section 501 of the Indenture shall be amended, solely with respect to Debt Securities Outstanding of any series created on or after the date hereof (including, without limitation, the Company's 5.375% Notes due 2017), as follows:

(5) a default under any Indebtedness for money borrowed by the Company or any Subsidiary (including a default with respect to Debt Securities of any series other than that series) or under any Mortgage, indenture or instrument under which there may be issued or by which there may be secured or evidenced any Indebtedness for money borrowed by the Company or any Subsidiary (including this Indenture), whether such Indebtedness now exists or shall hereafter be created, which default shall have resulted in such Indebtedness in an outstanding principal amount in excess of \$100 million

## EXHIBIT N



## CORPORATION FILE DETAIL REPORT

Entity Name	TARGET CORPORATION	File Number	50644871
Status	GOODSTANDING		
Entity Type	CORPORATION	Type of Corp	FOREIGN BCA
Qualification Date (Foreign)	04/23/1975	State	MINNESOTA
Agent Name	C T CORPORATION SYSTEM	Agent Change Date	00/00/0000
Agent Street Address	208 SO LASALLE ST, SUITE 814	President Name & Address	GREG STEINHAFEL 1000 NICOLLET MALL MINNEAPOLIS MN 55403
Agent City	CHICAGO	Secretary Name & Address	TIMOTHY R BAER 1000 NICOLLET MALL MINNEAPOLIS MN 55403
Agent Zip	60604	Duration Date	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	2008
Assumed Name	ACTIVE - SUPER TARGET INACTIVE - MARSHALL FIELD'S ACTIVE - TARGET STORES INACTIVE - DAYTON'S MARSHALL FIELD'S HUDSON'S INACTIVE - DAYTON'S		
Old Corp Name	09/05/1985 - DAYTON-HUDSON CORPORATION 02/09/2000 - DAYTON HUDSON CORPORATION		

[Return to the Search Screen](#)



(One Certificate per Transaction)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](http://www.ilsos.gov/corporatellc/CorporateLlcController)



## EXHIBIT O

STATE OF ILLINOIS )  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION


OLGA MARQUEZ and EDUARDO MARQUEZ, )  
 )  
 ) plaintiff, )  
 )  
 ) versus ) COURT NO.  
 )  
 ) TARGET CORPORATION, )  
 )  
 ) defendant. )

**AFFIDAVIT**

I, Jeffrey A. Schulkin, being duly sworn under oath depose and state as follows:

1. That I am the attorney who prepared the Complaint for the above-captioned matter.
2. That I believe that this case is worth greater than \$ 50,000.00 based upon the nature of the injuries and damages suffered by Plaintiffs as a result of the occurrence, including but not limited to a herniated disc that required spinal surgery, *inter alia*.

FURTHER AFFIANT SAYETH NOT

  
\_\_\_\_\_  
Jeffrey A. Schulkin

SUBSCRIBED AND SWORN TO BEFORE  
ME THIS 8th day of January, 2008

  
\_\_\_\_\_  
NOTARY PUBLIC



**EXHIBIT P**  
**(File Materials –**  
**State Court Materials)**

**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**

01/18/2008

CT Log Number 512998142



**TO:** Carter Leuty  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403-

**RE:** Process Served in Illinois

**FOR:** Target Corporation (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

**TITLE OF ACTION:** [REDACTED]  
**DOCUMENT(S) SERVED:** Summons, Complaint, Affidavit(s)  
**COURT/AGENCY:** Cook County Circuit Court, Cook County Department - Law Division, IL  
**NATURE OF ACTION:** [REDACTED]  
**ON:** [REDACTED]  
**APPEARANCE OR ANSWER DUE:** Within 30 days, not counting the day of service  
**ATTORNEY(S) / SENDER(S):** [REDACTED]  
[REDACTED]  
[REDACTED] 2220  
[REDACTED] Chicago, IL 60604-3109  
[REDACTED]  
**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day, 798855405628  
**SIGNED:** C T Corporation System  
**PER:** Tawana Carter  
**ADDRESS:** 208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
**TELEPHONE:** 312-345-4336

1/21/08 12:30  
Fed Ex  
1/21/08 12:30  
Seaguit SuCals

Page 1 of 1/PJ

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

OLGA MARQUEZ and EDUARDO MARQUEZ,

Plaintiff(s),

*versus*

[REDACTED]  
Defendant(s).

Case No:

**Please Serve:**

Target Corporation  
c/o CT Corporation System  
208 S. LaSalle Street  
Suite 814  
Chicago, IL 60604

**SUMMONS**

To Each Defendant:

YOU ARE SUMMONED and required to file an answer to the Complaint in this case, a copy of which is hereto attached, or otherwise file Appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Chicago, IL) within 30 days after service of this Summons, not counting the day of serve. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

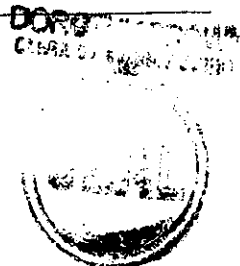
This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

WITNESS, \_\_\_\_\_, 2008

**JAN - 8 2008**

\_\_\_\_\_  
Clerk of Court

Jeffrey A. Schulkin  
MUNDAY & NATHAN  
33 N. Dearborn Street, Suite 2220  
Chicago, IL 60602-3109  
312.346.5678  
Attorney No.: 22231



CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



STATE OF ILLINOIS)  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

OLGA MARQUEZ and EDUARDO MARQUEZ, )  
 )  
 plaintiff, )  
 )  
 versus ) COURT NO.  
 )  
 TARGET CORPORATION, )  
 )  
 defendant. )

CLERK OF CIRCUIT COURT  
JAN 22 2008  
COURT NO.

**COMPLAINT AT LAW**

**COUNT I**  
**(OLGA MARQUEZ v. TARGET CORPORATION)**

The plaintiff, OLGA MARQUEZ, by her attorneys, MUNDAY & NATHAN, makes the following allegations against the defendant, TARGET CORPORATION:

1. On the 9<sup>th</sup> day of June, 2007, the defendant, TARGET CORPORATION, either owned, operated, managed, maintained or controlled certain premises located at 2901 S. Cicero Avenue, in the Town of Cicero, County of Cook, and State of Illinois.

2. On the 9<sup>th</sup> day of June, 2007, the plaintiff, OLGA MARQUEZ, was a pedestrian lawfully walking inside the above-described premises located at 2901 S. Cicero Avenue, in the Town of Cicero, County of Cook, and State of Illinois.

3. It was the duty of the defendant, TARGET CORPORATION, to exercise ordinary care and caution in the ownership, management, maintenance and control of the said premises.

4. Not regarding the duty as aforesaid, the defendant TARGET CORPORATION was guilty of one or more of the following careless and negligent acts or omissions:

- (a) carelessly and negligently failed to properly inspect the floor used by customers at said premises;
- (b) carelessly and negligently caused an unnatural accumulation of water or other liquid to be on the floor used by customers at the premises;
- (c) carelessly and negligently allowed the said floor used by customers at said premises to contain an unnatural accumulation of water or other liquid, creating a dangerous condition;
- (d) carelessly and negligently failed to remove the unnatural accumulation of water or other liquid from the floor used by customers at the said premises;
- (e) carelessly and negligently failed to give timely and sufficient warnings of the unnatural accumulation of water or other liquid, or otherwise dangerous conditions on the floor at the said premises.

5. As a direct and proximate result of the careless and negligent acts of the defendant, TARGET CORPORATION, the plaintiff was caused to fall to the ground while walking upon or along the said area.

6. As a direct and proximate result of the aforesaid, the plaintiff, OLGA MARQUEZ, suffered injuries of a personal and pecuniary nature, including but not limited to medical expenses, pain and suffering, lost earnings, and physical and emotional trauma, all of which are permanent.

WHEREFORE, the plaintiff, OLGA MARQUEZ, asks judgment against the defendant, TARGET CORPORATION, in a sum in excess of Fifty Thousand Dollars (\$ 50,000.00), which will fairly compensate the plaintiff for the injuries sustained.

**COUNT II**  
**(EDUARDO MARQUEZ v. TARGET CORPORATION)**

The plaintiff, EDUARDO MARQUEZ, by his attorneys, MUNDAY & NATHAN, makes the following allegations against the defendant, TARGET CORPORATION:

1-6. Plaintiff EDUARDO MARQUEZ realleges paragraphs one (1) through six (6) of Count I as if the same were set forth herein as paragraphs one (1) through six (6) of this Count II.

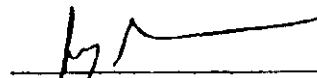
7. Prior to the 9<sup>th</sup> day of June, 2007, the plaintiff, EDUARDO MARQUEZ, was legally married to OLGA MARQUEZ, and, as husband and wife, each became entitled to the companionship, society, guidance, material services and consortium of their respective spouses.

8. As a result of the injuries to OLGA MARQUEZ, the plaintiff, EDUARDO MARQUEZ, was deprived, and will in the future be deprived, of the companionship, society, guidance, material services and consortium of his spouse, OLGA MARQUEZ.

WHEREFORE, the plaintiff, OLGA MARQUEZ, asks judgment against the defendant, TARGET CORPORATION, in a sum in excess of Fifty Thousand Dollars (\$ 50,000.00), which will fairly compensate the plaintiff for the injuries sustained.

Jeffrey A. Schulkin  
MUNDAY & NATHAN  
33 North Dearborn St.  
Suite 2220  
Chicago, IL 60602  
(312) 346-5678

MUNDAY & NATHAN,

  
Attorneys for Plaintiffs

Firm ID: 42907 3006465-MJM  
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

OLGA MARQUEZ and )  
EDUARDO MARQUEZ, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TARGET CORPORATION, )  
 )  
Defendant. )

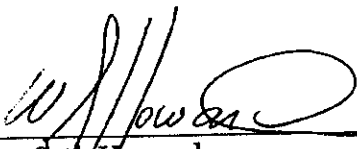
No.: 08 L 185

Calendar: D

**APPEARANCE AND JURY DEMAND**

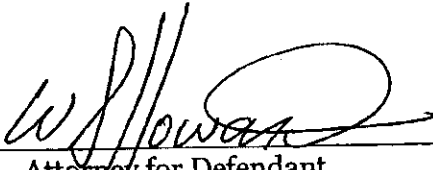
The undersigned, as attorney, enters the appearance and jury demand of Defendant, TARGET CORPORATION.

**\*Defendant demand trial by jury.**

  
\_\_\_\_\_  
William Seth Howard  
One of the Attorneys for Defendant,  
Target Corporation

SmithAmundsen LLC  
150 North Michigan Avenue, Suite 3300  
Chicago, Illinois 60601  
(312) 894-3200  
Firm No. 42907

I certify that a copy of the within instrument was served on all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.

  
\_\_\_\_\_  
Attorney for Defendant

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS**



SmithAmundsen

2008 FEB 19 PM 7:30

U.S. DISTRICT COURT

FILED

FEB 19 2008 <sup>ae</sup>

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

February 19, 2008

Judge Ronald A. Guzman  
Everett McKinley Dirksen Building  
219 South Dearborn Street  
Chicago, Illinois 60604

**Re: Olga Marquez and Eduardo Marquez v. Target Corporation**

Claim No.: 000695281F-0001

Date of Loss: June 9, 2007

Court No.: 08 C 990

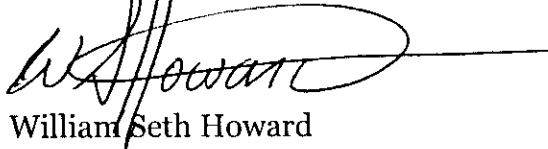
File No.: 3006465-MJM

Dear Judge Guzman:

This letter will serve to inform you that my office attempted to e-file the enclosed Memorandum of Law in Support of Defendant's Notice of Removal on February 19, 2008 under case no. 08 C 990; however, the case was not "live" on the e-filing network. Therefore, I hand delivered the enclosed documents along with this correspondence.

If you have any questions regarding the above, please feel free to contact me at my office.

Very truly yours,



William Seth Howard

WSH/bc  
enclosures